

# Tenant and Leaseholder Services

# Rechargeable Works Policy

## 1.0 Purpose and scope

Our aim is to fairly and responsibly apply charges for, and collect debt for rechargeable works.

This policy sets out our approach to the following:

- The raising and recovery of costs associated with works that are rechargeable to a tenant.
- The definition of the services and works that are rechargeable.
- The circumstances in which a rechargeable work order will be raised.

## 2.0 Definitions

The definition of a Rechargeable Works Order (RWO) as applies to this policy, is as follows:

- Work that we must carry out for health and safety reasons, and that the tenancy agreement states a tenant is responsible for.
- Work we must do to ensure a property is suitable to be re-let, and that the tenancy agreement states a tenant is responsible for.
- Where a tenant has caused damage that is beyond normal wear and tear. This includes damage caused by members of the tenant's household, family members, friends or other visitors (including pets).

## 3.0 Raising an order for a recharge

Examples of when we will carry out rechargeable work or services are as follows:

### 3.1 Voids

When a tenancy is terminated, whether it be because of the tenants wishes or eviction or in cases of abandonment. Recharges will be made for works carried out where they are the responsibility of the tenant as per their tenancy agreement.

Explicitly:

- The cost for cleaning and clearance of rubbish left in a property or the garden following the termination of the tenancy.
- Clearance of an overgrown garden.
- Renewal of fencing, other than where the fence borders a public right of way.
- The cost of clearance and disposal of items that have been left behind by the tenant when the property has been vacated.
- The cost of work carried out to correct a former tenant's repair responsibilities as outlined in the tenancy conditions and to ensure that the property is suitable for relet.
- The cost of works required to correct unauthorised alterations to properties.
- The cost to treat any insect or rodent infestations in the property.
- The cost of repairs that become necessary as a consequence of the actions of the tenant, beyond what we consider to be reasonable wear and tear. This includes recharging the cost for the replacement of any fixtures or fittings in the property that have been damaged or destroyed.

### 3.2 Repairs

The circumstances in which we will recharge the tenant for repair work include:

- Repairs that are normally the responsibility of the tenant that, if not done, pose a health and safety risk.
- Repairs that become necessary as a consequence of the actions of the tenant, beyond what we consider to be reasonable wear and tear, particularly where this presents a health and safety risk. This includes recharging the cost for the replacement of any fixtures or fittings in the property that have been damaged or destroyed.
- Work required to correct unauthorised alterations to properties, particularly where this poses a health and safety risk or compromises fire safety.
- Work necessary to protect the local authority housing asset. In these cases the minimum amount of work required to achieve this will be undertaken and recharged to the tenant.

### 3.3 Gaining access

- We will recharge tenants' costs incurred gaining access to their home to carry out emergency works, where previous attempts to gain access have been ignored (this is usually 3 attempts) i.e. to carry out the annual gas safety inspection or electrical inspection.

### 3.4 Miscellaneous recharges

Other occasions where we will recharge cost to the tenants are:

- Clearing bulky items from communal areas where the tenant responsible for the inappropriate disposal of this can be clearly identified.
- Costs associated with clearing and repairing an unhygienic or verminous property during the course of a tenancy.
- When a tenant has lost their keys or key fob.
- Clearing of gardens as the consequence of enforcement action.
- Where a tenant has requested a repair that is their responsibility, and we have agreed to carry it out.

### 4.0 Recovering the recharge

- Tenants will receive an invoice for a rechargeable work
- All rechargeable works will be subject to an administration fee, which will be reviewed annually.
- The invoice must be paid within 30 days of receipt.

### 5.0 When a recharge will not be invoiced

There are circumstances when a RWO will be raised but the tenant will not be invoiced. These include:

- When a tenant has passed away, and there is no estate to pay the cost.
- When a tenant goes into residential care and has no means to pay.
- When a tenant has been a victim of a serious crime and has reported this to the police. (This must be substantiated by a crime reference number and supporting evidence from the police.)
- Where the tenant has been a victim of domestic abuse and was unable to prevent damage being carried out to the property. (Supporting evidence will be required from the police or other relevant statutory support agency)

### 6.0 Collecting debts

Collection of debts associated with this policy will be managed under the Income Recovery, Rent Arrears including Enforcement & Eviction Policy.

## 7.0 Disputes and appeals

Where a tenant wishes to dispute a rechargeable works invoice they should request a review of the invoice within 10 working days of receipt of the invoice.

This will be reviewed by a Senior Officer not involved in the original decision.

If the tenant is not satisfied with the decision, they have the right to make a complaint through TDC's formal complaints process.

## 8.0 References

Through the implementation of this policy, we will act in accordance with the relevant legislation as detailed below (this list is not exhaustive):

- The Landlord and Tenant Act 1985, Section 11 (Repair obligations)
- The Housing Act 1985, Section 97 (Permission to undertake alterations)
- The Public Health Act 1961, Section 35 (Filthy or verminous properties)
- The Equality Act 2010, Section 29 (Provision of services)

## 9.0 Document control

| Date            | Version | Action     | Amendments                                                                                           |
|-----------------|---------|------------|------------------------------------------------------------------------------------------------------|
| 6 October 2021  | 1       | New policy |                                                                                                      |
| 31 January 2022 | 2       | EIA        | Insert headings. Add full stops and simplify language for readability and access for screen readers. |
|                 |         |            |                                                                                                      |